

Application No. 09/739,392
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REMARKS

The Examiner has made various objections based on claim informalities. Claims 7, 8, 9, 10, 12, 18 and 20 have been amended to correct the informalities identified by the Examiner. These amendments are believed to overcome the objections and withdrawal of those objections is respectfully requested.

The Examiner objects to claims 1 to 16 and 18 to 20 as being anticipated by Braman et al. There are many fundamental differences between the Braman reference and the instant application which prevent the proper application of an anticipation rejection. These will now be described.

The Braman reference relates to a voice dialing system. This system automatically dials stored telephone numbers, referred to as user-defined directory entries, in response to selection of the particular directory entry. A recognition subsystem converts the selection command to a dialing sequence. Page 4, lines 22-23 of Braman indicate that a directory entry includes a directory name and corresponding number determined by the VAS. Page 4, lines 30-32 describe a "directory entry" as having not only the phone number, but also additional programmed access codes or menu selections to navigate through an information service. Page 5, lines 12-14 specify that the caller enters additional DTMF signals typically representing access codes or menu selections in response to prompts from the information service, as a way of describing the information in addition to the phone number that can form part of the directory entry. Page 6, lines 4-15 describe and illustrate a complete dialing sequence that is recorded upon positive answer detection by the system in order to capture the keyed in required access or network feature digit strings. Essentially, this is a way of storing a phone number and selected items from a voice prompt menu as a type of "script" or "macro", which may in the end initiate execution of a function.

The Braman system is an electronic directory that is part of a voice activated dialing system that dials onto a cellular telephone network. The user has speech based access to the electronic directory and can dial, modify, or program a new directory entry. This system relates to dialing of phone numbers on a cellular network. While the dialed numbers, i.e. the directory entry, can initiate a function, they do not themselves constitute a function.

In the description of the instant application, the term "function" represents a menu item provided to a user, which can await a response, or can itself provide information to

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the user and the term "summary" refers to a message describing the current state of the application system (see for example page 1, lines 30-35; page 2, lines 10-18; page 5, lines 13-23; page 8, line 32; page 10, line 3). A user-defined function is described as providing information (page 8, lines 32-33) relating to internal or external elements. The customized function itself provides the information. In the Braman reference, a set of user-specified pauses and digit strings together can call or initiate a function, but they are not user-defined functions as described in the instant application. This is a fundamental difference.

The Examiner has attempted to draw parallels between the Braman reference and the present invention. The cellular telephone network of the Braman reference is said to be the equivalent of the application system of the present invention. This is clearly not the case. The application system of the present invention is a system that is accessed *subsequent* to successful dialing of an access phone number. This is described in one embodiment as a messaging system. The application system of an embodiment of the present invention is similar to the system that is accessed following the dialing of the phone number on page 6 of the Braman reference. In that case, the user has dialed a phone number, a positive answer has been detected, and the subscriber has accessed the mailbox number with any security access code required. The menu selection "1" in the example shown on page 6 of the Braman reference indicates a menu selection of playing new messages. This is where a parallel with embodiments of the present invention begins, since the present invention provides customization of *this* menu selection; and can also provide customization of a system status message, which would likely be played at this point when the user has been authenticated and has accessed the mailbox. The Braman reference describes nothing in relation to customization of selections once a messaging system or a control system has been accessed. The Braman reference relates to voice-based dialing of a phone number that can be followed by specific selections in a fixed directory structure. The present invention relates to customizing *user-defined functions* such as a status summary and a menu structure. The present invention can also provide a customized speech-based user interface to the user based on the stored custom profile.

While each of the dependent claims includes the distinguishing features of the independent claim, a couple of these dependent claims will be discussed in order to clarify differences. With respect to the Examiner's discussion of claim 2 and the "status summary", the recitation of the list of directory entries in Braman cannot be considered to be the same as

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the status summary because the VAS recites a list of all current directory entries. Therefore, this is not a summary at all, but rather a listing of the entire directory and all of the directory entries. The status summary as described in the present invention relates to a summary of the status of the application system, such as the status of a mailbox in a messaging system, and not a recitation of all the messages in the system.

With respect to claim 3, this claim has been amended in order to specify that the step of customizing not only relates to specifying a command menu structure but actually relates to *customizing* the command menu structure. While the Braman reference can specify a desired selection in response to a menu command, it cannot include specifying the command menu structure itself since the structure is fixed.

The wording of claim 11 has been amended to align with the wording of claim 1 to state that the profile database comprises a plurality of profiles of user-defined functions of a speech-based user interface for use with the application system, and that the customization means permits customization of those user-defined functions. Claim 14 has been amended to depend on claim 13 and specify that user-defined functions comprise messaging system functions. This is clearly not provided by Braman since Braman can only specify a selection in response to a fixed-messaging system function that is available, whereas embodiments of the present invention allow the user to actually define messaging system functions. This is clearly not taught or suggested in the Braman reference.

In view of the arguments provided above regarding the differences between the Braman references and the present invention, the claims of this application are not anticipated and withdrawal of the rejection under 35 USC 102 is requested.

For the same reasons as provided above, withdrawal of the rejection under 35 USC 103(a) is requested, since neither Braman et al., or Beyda et al. teaches or suggests the subject matter of the invention as claimed.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

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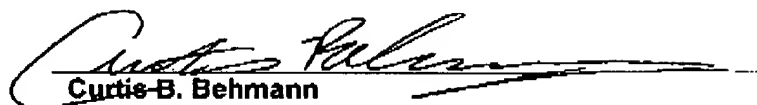
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It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

Respectfully submitted,

Paul Brennan, et al

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